United Nations A/55/685

General Assembly

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Fifty-fifth session
Agenda item 116
Review of the efficiency of the administrative and financial functioning of the United Nations

Proposed programme budget outline for the biennium 2002-2003

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the proposed programme budget outline for the biennium 2002-2003 (A/55/186). In the course of its deliberations, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The Advisory Committee notes from paragraph 2 of the report that, in establishing a preliminary estimate for the biennium 2002-2003, the current level of appropriations, namely, $2,535.7 million, was taken as the starting point. On that basis, the Secretary-General proposes a preliminary estimate of resources for the biennium 2002-2003, expressed in initial 2000-2001 prices, amounting to $2,475.4 million.

3. The Advisory Committee points out that the purpose of the budget outline is to provide Member States with a preliminary indication of the resources that may be required in the coming biennium. Once the budget outline is approved, the Secretary-General prepares the budget on the basis of the outline. In accordance with General Assembly resolution 41/213 of 19 December 1986, these estimates can be either higher or lower than the preliminary estimate approved on the basis of the budget outline.

4. As indicated in paragraph 3 of the report, an amount of $13.2 million would be required for the full biennial provision in 2002-2003 for posts that are partially funded in the current biennium. These include new posts at the Professional level and above, which had been costed at 50 per cent on the recommendation of the Advisory Committee, and a number of posts approved for the installation, operation, support and maintenance of the Integrated Management Information System (IMIS) at offices away from Headquarters, which were funded for only the latter part of the biennium.

5. As indicated in paragraph 4 of the report, a provision of $13.4 million relating to one-time costs in 2000-2001 would not be required. This provision related mainly to the secretariat of the Millennium Assembly, special sessions of the General Assembly, a number of United Nations conferences and the costs of the final phase of development of IMIS.

6. An amount of $30.1 million in new resource requirements is projected for 2002-2003 relating to implementation of international arrangements on forests, General Assembly resolution S-19/2 of 28 June 1997 on the Programme for the Further Implementation of Agenda 21 and the convening of an extraordinary session of the Governing Council of the United Nations Environment Programme, as well as continued reinforcement of the

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United Nations Office at Nairobi, conference servicing, peace-building and electoral assistance, human rights and humanitarian assistance, economic and social sectors and the International Court of Justice.

7. A provision of $90.4 million, representing the current 2000-2001 appropriations for special political missions has not been included in the budget outline for 2002-2003. In this connection, the Advisory Committee recalls paragraph 9 of General Assembly resolution 53/206 of 18 December 1998, in which the Assembly endorsed the proposal of the Secretary-General in his report on additional expenditures (A/C.5/51/57, para. 6) and the related recommendations of the Advisory Committee in its report (A/52/7/Add.2) that provision should be made in the budget outline for expenditures for special political missions related to peace and security expected to be extended or approved in the course of the biennium and that additional requirements would continue to be treated in accordance with the provisions of Assembly resolution 41/213. The Committee was informed that requirements related to special political missions for 2002-2003 were estimated at $93,062,800 at initial 2000-2001 rates, as follows:

Preliminary estimates for special political missions for the biennium 2002-2003

(in thousands of United States dollars)

General Assembly mandates	
United Nations Verification Mission in Guatemala	28 000.0
Central American peace process	401.0
United Nations Special Mission to Afghanistan	12 403.3
Security Council mandates	
United Nations Office in Angola	16 169.7
United Nations Political Office in Bougainville	3 125.4
United Nations Political Office in Somalia	2 007.8
United Nations Office in Burundi	6 293.2
United Nations Peace-building Support Office in the Central African Republic	6 765.1
United Nations Peace-building Support Office in Guinea-Bissau	5 271.6
United Nations Peace-building Support Office in Tajikistan	3 075.0
United Nations Peace-building Support Office in Liberia	4 212.7
Special Envoy in Africa	311.8
Special Representative of the Secretary-General to the Great Lakes Region	3 497.8
Adviser of the Secretary-General for Special Assignments in Africa	1 528.3
Total (rounded)	**93 062.8**

8. The Advisory Committee is of the opinion that, inasmuch as the requirements for special political missions are of a continuing nature, the estimates should continue to be included in the budget outline. Furthermore, as stated in General Assembly resolution 53/206, the outline should provide a greater level of predictability of resources required for the following biennium, promote greater involvement of Member States in the budgetary process and thereby facilitate the broadest possible agreement on the programme budget. Omission of the requirements for special political missions, in the view of the Committee, runs counter to those purposes. **The Committee therefore recommends that an amount for special missions be included in the budget outline** (see para. 10 below). Any addition thereto should be handled in accordance with the procedure established in Assembly resolutions 41/213 and 53/206.

9. The Advisory Committee recognizes that a number of issues currently under consideration by the General Assembly and other bodies could affect the budget outline. Upon request, the Committee was provided with estimated requirements at revised 2000-2001 rates in this regard (see annex). The Committee wishes to point out that in its consideration of some of those issues, it has recommended approval of significantly lower levels of resources than requested. If the recommendations of the Committee are accepted by the Assembly, the amounts listed in the annex to the present report may be reduced considerably.

10. The Advisory Committee was informed that should the revised rates for 2000-2001 be used, the preliminary estimates for the biennium 2002-2003 would amount to $2,421.6 million. The Committee points out that had the Secretary-General included in the preliminary estimates for the biennium 2000-2001 a provision of $93.7 million (at revised 2000-2001 rates) for special political missions, the preliminary estimates for the biennium 2002-2003 would have amounted to $2,515.3 million at the revised 2000-2001 rates.

11. The Advisory Committee therefore recommends that the General Assembly adopt a preliminary estimate of $2,515.3 million at the revised 2000-2001 rates for the biennium 2002-2003.

Annex

Elements to be taken into consideration since the issuance of the budget outline for the biennium 2002-2003

(in thousands of United States dollars)

	Initial rates, 2000-2001	*Revised rates, 2000-2001*
(a) Recosting of performance report rates	(65 700.0)	(53 843.7)
(b) Report of the Panel on United Nations Peacekeeping Operations (A/55/305-S/2000/809)	12 020.5	11 827.3
(c) Security, including Geneva	54 024.7	53 831.5
(d) Special political missions	93 100.0	93 691.6
(e) Statements of programme budget implications and revised estimates	3 178.8	2 821.1

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Agenda item 27
Cooperation between the United Nations and the Organization of African Unity

Security Council
Fifty-fifth year

Identical letters dated 12 December 2000 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit to you herewith the text of the Peace Agreement between Eritrea and Ethiopia, signed in Algiers on 12 December 2000 (see annex).

I should be grateful if you would have the present letter and its annex issued as an official document of the General Assembly under agenda item 27.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

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Annex

Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia

The Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia (the "parties"),

Reaffirming their acceptance of the Organization of African Unity ("OAU") Framework Agreement and the Modalities for its Implementation, which have been endorsed by the 35th ordinary session of the Assembly of Heads of State and Government, held in Algiers, Algeria, from 12 to 14 July 1999,

Recommitting themselves to the Agreement on Cessation of Hostilities, signed in Algiers on 18 June 2000,

Welcoming the commitment of the OAU and United Nations, through their endorsement of the Framework Agreement and Agreement on Cessation of Hostilities, to work closely with the international community to mobilize resources for the resettlement of displaced persons, as well as rehabilitation and peacebuilding in both countries,

Have agreed as follows:

Article 1

1. The parties shall permanently terminate military hostilities between themselves. Each party shall refrain from the threat or use of force against the other.

2. The parties shall respect and fully implement the provisions of the Agreement on Cessation of Hostilities.

Article 2

1. In fulfilling their obligations under international humanitarian law, including the 1949 Geneva Conventions relative to the protection of victims of armed conflict ("1949 Geneva Conventions"), and in cooperation with the International Committee of the Red Cross, the parties shall without delay release and repatriate all prisoners of war

2. In fulfilling their obligations under international humanitarian law, including the 1949 Geneva Conventions, and in cooperation with the International Committee of the Red Cross, the parties shall without delay, release and repatriate or return to their last place of residence all other persons detained as a result of the armed conflict.

3. The parties shall afford humane treatment to each other's nationals and persons of each other's national origin within their respective territories.

Article 3

1. In order to determine the origins of the conflict, an investigation will be carried out on the incidents of 6 May 1998 and on any other incident prior to that date which could have contributed to a misunderstanding between the parties regarding their common border, including the incidents of July and August 1997.

2. The investigation will be carried out by an independent, impartial body appointed by the Secretary General of the OAU, in consultation with the Secretary General of the United Nations and the two parties.

3. The independent body will endeavor to submit its report to the Secretary General of the OAU in a timely fashion.

4. The parties shall cooperate fully with the independent body.

5. The Secretary General of the OAU will communicate a copy of the report to each of the two parties, which shall consider it in accordance with the letter and spirit of the Framework Agreement and the Modalities.

Article 4

1. Consistent with the provisions of the Framework Agreement and the Agreement on Cessation of Hostilities, the parties reaffirm the principle of respect for the borders existing at independence as stated in resolution AHG/Res. 16(1) adopted by the OAU Summit in Cairo in 1964, and, in this regard, that they shall be determined on the basis of pertinent colonial treaties and applicable international law.

2. The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law. The Commission shall not have the power to make decisions *ex aequo et bono*.

3. The Commission shall be located in The Hague.

4. Each party shall, by written notice to the United Nations Secretary General, appoint two commissioners within 45 days from the effective date of this Agreement, neither of whom shall be nationals or permanent residents of the party making the appointment. In the event that a party fails to name one or both of its party-appointed commissioners within the specified time, the Secretary General of the United Nations shall make the appointment.

5. The president of the Commission shall be selected by the party-appointed commissioners or, failing their agreement within 30 days of the date of appointment of the latest party-appointed commissioner, by the Secretary General of the United Nations after consultation with the parties. The president shall be neither a national nor permanent resident of either party.

6. In the event of the death or resignation of a commissioner in the course of the proceedings, a substitute commissioner shall be appointed or chosen pursuant to the procedure set forth in this article that was applicable to the appointment or choice of the commissioner being replaced.

7. The UN Cartographer shall serve as Secretary to the Commission and undertake such tasks as assigned to him by the Commission, making use of the technical expertise of the UN Cartographic Unit. The Commission may also engage the services of additional experts as it deems necessary.

8. Within 45 days after the effective date of this Agreement, each party shall provide to the Secretary its claims and evidence relevant to the mandate of the Commission. These shall be provided to the other party by the Secretary.

9. After reviewing such evidence and within 45 days of its receipt, but not earlier than 15 days after the Commission is constituted, the Secretary shall transmit to the Commission and the parties any materials relevant to the mandate of the Commission as well as his findings identifying those portions of the border as to which there appears to be no dispute between the parties. The Secretary shall also transmit to the Commission all the claims and evidence presented by the parties.

10. With regard to those portions of the border about which there appears to be controversy, as well as any portions of the border identified pursuant to paragraph 9 with respect to which either party believes there to be controversy, the parties shall present their written and oral submissions and any additional evidence directly to the Commission, in accordance with its procedures.

11. The Commission shall adopt its own rules of procedure based upon the 1992 Permanent Court of Arbitration Optional Rules for Arbitrating Disputes Between Two States. Filing deadlines for the parties' written submissions shall be simultaneous rather than consecutive. All decisions of the Commission shall be made by a majority of the commissioners.

12. The Commission shall commence its work not more than 15 days after it is constituted and shall endeavor to make its decision concerning delimitation of the border within six months of its first meeting. The Commission shall take this objective into consideration when establishing its schedule. At its discretion, the Commission may extend this deadline.

13. Upon reaching a final decision regarding delimitation of the borders, the Commission shall transmit its decision to the parties and Secretaries General of the OAU and the United Nations for publication, and the Commission shall arrange for expeditious demarcation.

14. The parties agree to cooperate with the Commission, its experts and other staff in all respects during the process of delimitation and demarcation, including the facilitation of access to territory they control. Each party shall accord to the Commission and its employees the same privileges and immunities as are accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

15. The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as the territorial integrity and sovereignty of the other party.

16. Recognizing that the results of the delimitation and demarcation process are not yet known, the parties request the United Nations to facilitate resolution of problems which may arise due to the transfer of territorial control, including the consequences for individuals residing in previously disputed territory.

17. The expenses of the Commission shall be borne equally by the two parties. To defray its expenses, the Commission may accept donations from the United Nations Trust Fund established under paragraph 8 of Security Council Resolution 1177 of 26 June 1998.

Article 5

1. Consistent with the Framework Agreement, in which the parties commit themselves to addressing the negative socio-economic impact of the crisis on the civilian population, including the impact on those persons who have been deported, a neutral Claims Commission shall be established. The mandate of the Commission is to decide through binding arbitration all claims for loss, damage or injury by one Government against the other, and by nationals (including both natural and juridical persons) of one party against the Government of the other party or entities owned or controlled by the other party that are (a) related to the conflict that was the subject of the Framework Agreement, the Modalities for its Implementation and the Cessation of Hostilities Agreement, and (b) result from violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law. The Commission shall not hear claims arising from the cost of military operations, preparing for military operations, or the use of force, except to the extent that such claims involve violations of international humanitarian law.

2. The Commission shall consist of five arbitrators. Each party shall, by written notice to the United Nations Secretary General, appoint two members within 45 days from the effective date of this Agreement, neither of whom shall be nationals or permanent residents of the party making the appointment. In the event that a party fails to name one or both of its party-appointed arbitrators within the specified time, the Secretary General of the United Nations shall make the appointment.

3. The president of the Commission shall be selected by the party-appointed arbitrators or, failing their agreement within 30 days of the date of appointment of the latest party-appointed arbitrator, by the Secretary General of the United Nations after consultation with the parties. The president shall be neither a national nor permanent resident of either party

4. In the event of the death or resignation of a member of the Commission in the course of the proceedings, a substitute member shall be appointed or chosen pursuant to the procedure set forth in this article that was applicable to the appointment or choice of the arbitrator being replaced.

5. The Commission shall be located in The Hague. At its discretion it may hold hearings and conduct investigations in the territory of either party, or at such other location as it deems expedient.

6. The Commission shall be empowered to employ such professional, administrative and clerical staff as it deems necessary to accomplish its work, including establishment of a Registry. The Commission may also retain consultants and experts to facilitate the expeditious completion of its work.

7. The Commission shall adopt its own rules of procedure based upon the 1992 Permanent Court of Arbitration Optional Rules for Arbitrating Disputes Between Two States. All decisions of the Commission shall be made by a majority of the commissioners.

8. Claims shall be submitted to the Commission by each of the parties on its own behalf and on behalf of its nationals, including both natural and juridical persons. All claims submitted to the Commission shall be filed no later than one year from the effective date of this Agreement. Except for claims submitted to another mutually agreed settlement mechanism in accordance with paragraph 16 or filed in another forum prior to the effective date of this Agreement, the Commission shall be the sole forum for adjudicating claims described in paragraph 1 or filed under paragraph 9 of this article, and any such claims which could have been and were not submitted by that deadline shall be extinguished, in accordance with international law.

9. In appropriate cases, each party may file claims on behalf of persons of Eritrean or Ethiopian origin who may not be its nationals. Such claims shall be considered by the Commission on the same basis as claims submitted on behalf of that party's nationals.

10. In order to facilitate the expeditious resolution of these disputes, the Commission shall be authorized to adopt such methods of efficient case management and mass claims processing as it deems appropriate, such as expedited procedures for processing claims and checking claims on a sample basis for further verification only if circumstances warrant.

11. Upon application of either of the parties, the Commission may decide to consider specific claims, or categories of claims, on a priority basis.

12. The Commission shall commence its work not more than 15 days after it is constituted and shall endeavor to complete its work within three years of the date when the period for filing claims closes pursuant to paragraph 8.

13. In considering claims, the Commission shall apply relevant rules of international law. The Commission shall not have the power to make decisions *ex aequo et bono*.

14. Interest, costs and fees may be awarded.

15. The expenses of the Commission shall be borne equally by the parties. Each party shall pay any invoice from the Commission within 30 days of its receipt.

16. The parties may agree at any time to settle outstanding claims, individually or by categories, through direct negotiation or by reference to another mutually agreed settlement mechanism.

17. Decisions and awards of the Commission shall be final and binding. The parties agree to honor all decisions and to pay any monetary awards rendered against them promptly.

18. Each party shall accord to members of the Commission and its employees the privileges and immunities that are accorded to diplomatic agents under the Vienna Convention on Diplomatic Relations.

Article 6

1. This Agreement shall enter into force on the date of signature.

2. The parties authorize the Secretary General of the OAU to register this Agreement with the Secretariat of the United Nations in accordance with Article 102(1) of the Charter of the United Nations.

DONE at Algiers on the twelfth day of December, 2000, in duplicate, in the English language.

FOR THE GOVERNMENT OF THE STATE OF ERITREA :

Isaias AFWERKI

President

FOR THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA :

Meles ZENAWI

Prime Minister

WITNESSED BY:

For the People's Democratic Republic of Algeria
Abdelaziz BOUTEFLIKA, President of the Republic

For the United States of America
Mme Madeleine K. ALBRIGHT, Secretary of State

For the United Nations
M. Kofi ANNAN, Secretary General

For the Organization of African Unity
M. Salim Ahmed Salim, Secretary General

For the European Union
M. Rino SERRI, Special Representative of the Presidency.

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Fifty-fifth year

The situation in the Middle East

Question of Palestine

Letter dated 12 December 2000 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to call your attention to the statement on the Middle East issued on 8 December 2000 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda items 40 and 41, and of the Security Council.

(*Signed*) Jean-David **Levitte**
Permanent Representative of France
to the United Nations

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Annex to the letter dated 29 November 2000 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the Middle East issued on 8 December 2000 by the Presidency of the European Union on behalf of the European Union

The prospect of peace must return to the Middle East.

Nobody can tolerate violence, the suffering of populations or hatred between peoples.

The negotiations must resume. The European Union considers the following essential in this connection:

- the personal commitment of the Israeli Prime Minister and the President of the Palestinian Authority;
- full and immediate compliance with the undertakings which they entered into at Sharm el-Sheikh and Gaza;
- concrete gestures by both parties, with respect, inter alia, to the renunciation of violence and, as regards Israel, the settlements issue;
- the establishment of a mechanism for confidence-building measures;
- the commencement of work on the spot by the Fact-Finding Commission, in which Mr. Solana, Secretary-General/High Representative for the common foreign and security policy (CFSP), will take part;
- an agreement on the setting up of an observer mission.

The European Union has major interests in the Middle East. Its positions have been clearly defined, inter alia, at the Berlin European Council meeting in March 1999 and in the European Union's Statement of 12 September 2000. It is willing to consult with all parties on the means of achieving these objectives with a view to the resumption of negotiations for a peace agreement.